

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FC 30012 1000

MAR - 4 1997

In the Matter of

FC 30012 1000

Closed Captioning and Video)	
Description of Programming)	MM Docket No. 95-176
)	
Implementation of Section 305 of)	
the Telecommunications act of 1996)	

Video Programming Accessibility

COMMENTS OF THE CITY OF STERLING HEIGHTS,
STERLING HEIGHTS TELEVISION NETWORK
IN THE NOTICE OF PROPOSED RULE MAKING

The City of Sterling Heights respectfully submits the following comments in response to the Notice of Proposed Rulemaking, in the above proceeding, released January 17, 1997 ("NPRM"). The Commission seeks to issue implementing Section 713 of the 1996 Communications Act.

Sterling Heights is a member of the Alliance for Community Media, a national membership comprised of more than thirteen communities, connected with public, educational and governmental ("PEG") access on cable television systems. PEG centers throughout the nation produce more than 20,000 hours of original programming per week; this is more than CBS, NBC ABC, and PBS combined.

PEG access centers would welcome the opportunity to present programming accessible to disabled audiences. We believe that cable operators, the U.S. Department of Education, and other governmental entities, or private funds and foundations may provide an appropriate source of funding. However, requiring PEG access centers to shoulder the financial and administrative burden of providing real-time captioning for live programs or requiring that every taped program be closed-captioned would mean the end of PEG access for deaf and non-deaf viewers alike. Sterling Heights urges the Commission to exempt PEG access

centers from any blanket closed-captioning requirements, or, in the alternative, to identify and provide for alternate funding sources to allow some PEG programming to be made available to deaf audiences. Currently, the City of Sterling Heights complies with the Americans with Disabilities Act mandates by offering hearing impaired listening devices at all public meetings. The City states on each municipal meeting agenda "The City of Sterling Heights will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon seven days notice to the Community Relations Department." It will be far less financially burdensome for Sterling Heights to provide closed-caption programs on a per request basis, then to invest in substantial captioning equipment and captioning personnel. For example, in 1991 the Florida Hillsborough County Board of Commissioners pilot captioning program spent \$63,000 in order to provide real-time captioning during the broadcast of their public meetings. The county also \$250 to \$450 per programming hour from a captioning service. The City of Fremont, California, invested \$15,000 for captioning equipment and required the services of court reporters at \$100 per hour to attend the municipal and school board meetings for the purpose of providing closed captioning. In situations similar to Sterling Heights, where municipal meetings can last up to five hours, more than one court reporter would be needed to share the extensive amount of captioning. Forcing the City of Sterling Heights to provide real-time captioning for live broadcasts and to caption every program produced for both of the city's cable channels would detrimental to the current top quality of service the channel s provide to our residents.

Both cost and the unique nature of public access programming prevent PEG centers from, regularly providing closed captioning services. Sterling Heights' total budget for 1997 is \$350,000, which covers all salaries, administrative expenses, capital purchases, and overhead costs. The Commission has suggested that closed-captioning a program may be conservatively priced at \$2,500 per program-hour. If closed-captioning were required, Sterling Heights could only caption only a minimal number hours of programming per year, with no funds left over for salaries, equipment, and expenses. If not allowed to broadcast regular programming, these requirements would essentially eliminate our popular and effective PEG channels.

Moreover, other PEG centers generally do not produce their own programming; instead, program producers are either individuals or small non-profit organizations working with volunteer personnel. Placing responsibility for closed-captioning on access program producers is not realistic. Requiring, for example, public high-schools educational access distance learning GED programs to close-caption could cause most school districts to cease offering these programs entirely. Requiring that PEG volunteer producers close-caption their

programming at their own expense would contradict the purpose of PEG access, converting free access into access at \$2,500 per hour.

We are sympathetic to the rights of deaf viewers to have access to PEG access programming. However, we must ask the Commission to require captioning only when outside funding source makes such captioning financially possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Pat Lehman', with a long horizontal flourish extending to the right.

Pat Lehman

Director of Community Relations

City of Sterling Heights, MI 48311-8009